

IN THE SENATE

SENATE BILL NO. 1187

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; AMENDING SECTION 23-1031, IDAHO CODE, TO
REVISE PROVISIONS REGARDING ELECTRONIC FUNDS TRANSFERS FOR THE PAYMENT
OF BEER BY A LICENSED RETAILER; AND AMENDING SECTION 23-1326, IDAHO
CODE, TO REVISE PROVISIONS REGARDING ELECTRONIC FUNDS TRANSFERS FOR THE
PAYMENT OF WINE BY A LICENSED RETAILER AND TO MAKE A TECHNICAL CORREC-
TION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 23-1031, Idaho Code, be, and the same is hereby
amended to read as follows:

23-1031. EXTENSION OF CREDIT. (1) No sale or delivery of beer shall be
made to any licensed retailer, except for cash paid at the time of or prior
to delivery thereof, or except as provided by electronic funds transfer in
accordance with subsection (3) of this section, and in no event shall any
brewer, wholesaler or dealer licensed in the state and engaged in the sale
of beer for resale extend any credit on account of such beer to a licensed re-
tailer, nor shall any licensed retailer accept or receive delivery of such
beer except when payment therefor is made in cash at the time of or prior to
delivery thereof, or by electronic funds transfer in accordance with subsec-
tion (3) of this section.

(2) The acceptance of a first party check from a licensed retailer by a
brewer, wholesaler or dealer licensed in the state and engaged in the sale of
beer for resale, or the use of ~~electronic funds transfer~~ or a debit card by a
licensed retailer, shall not be deemed an extension or acceptance of credit
~~hereunder~~ pursuant to this section.

(3) The acceptance and use of an electronic funds transfer shall not be
deemed an extension or acceptance of credit pursuant to this section, pro-
vided such transfer is initiated and completed as promptly as is reasonably
practical, and in no event completed later than five (5) business days fol-
lowing delivery of such beer. Any attempt by a licensed retailer to delay
payment of an electronic funds transfer pursuant to this section for any pe-
riod of time beyond the time set forth in this subsection, shall be deemed an
acceptance of credit by the licensed retailer.

(4) Any extension or acceptance of credit in violation hereof shall
constitute the giving and receiving of aid or assistance to or by a licensed
retailer prohibited by the provisions of section 23-1033, Idaho Code.

SECTION 2. That Section 23-1326, Idaho Code, be, and the same is hereby
amended to read as follows:

23-1326. CREDIT SALES TO RETAILERS PROHIBITED. (1) No sale or delivery
of wine shall be made to any retailer, except for cash paid at the time of or

1 prior to delivery thereof, or except as provided by electronic funds trans-
2 fer in accordance with subsection (3) of this section, and in no event shall
3 any distributor extend any credit on account of such wine to a retailer, nor
4 shall any retailer accept or receive delivery of such wine except when pay-
5 ment therefor is made in cash at the time of or prior to delivery thereof, or
6 by electronic funds transfer in accordance with subsection (3) of this sec-
7 tion.

8 (2) The acceptance of a first party check from a retailer by a distribu-
9 tor, or the use of ~~electronic funds transfer or a~~ debit card by a licensed re-
10 tailer, shall not be deemed an extension of or acceptance of credit ~~hereunder~~
11 pursuant to this section.

12 (3) The acceptance and use of an electronic funds transfer shall not be
13 deemed an extension or acceptance of credit pursuant to this section, pro-
14 vided such transfer is initiated and completed as promptly as is reasonably
15 practical, and in no event completed later than five (5) business days fol-
16 lowing delivery of such wine. Any attempt by a licensed retailer to delay
17 payment of an electronic funds transfer pursuant to this section for any pe-
18 riod of time beyond the time set forth in this subsection, shall be deemed an
19 acceptance of credit by the licensed retailer.

20 (4) Any extension or acceptance of credit in violation of the provi-
21 sions of this section shall constitute the giving and receiving of aid or as-
22 sistance to or by a licensed retailer prohibited by the provisions of section
23 23-1325, Idaho Code.